

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2012-016 Temporary Outdoor Public Assembly

Description: Consider an amendment to an ordinance amending chapter 25-2-921 of the City Code relating to temporary outdoor public assembly, to allow religious and educational institutions to hold temporary outdoor public assemblies.

Proposed Language: See attached draft ordinance.

Staff Recommendation: Staff recommends this amendment.

Background: Initiated by Planning Commission on September 25, 2012

Under the current code, certain temporary outdoor events are only allowed in certain zoning districts, depending on the number of attendees at said events. These events can include public, religious, patriotic, or historic assembly or exhibit, including a festival, benefit, fund raising even, or similar use. Temporary outdoor public assembly events held by churches and schools, which often have residential zoning, are currently prohibited or restricted in conducting temporary outdoor events if their zoning is residential. The proposed code amendment would allow properties whose principal use is religious, educational, or community recreation, to apply for a temporary use permit to hold a temporary outdoor public assembly event.

Board and Commission Actions

Planning Commission Subcommittee on Codes and Ordinances – Voted to send this item to full Planning Commission on January 15, 2013. Vote: 4-0.

Planning Commission – A public hearing at Planning Commission has been set for January 22, 2013.

Council Action

City Council – A public hearing at City Council has been set for February 28, 2013.

Ordinance Number: NA

City Staff: Greg Dutton

Phone: 974-3509

Email: greg.dutton@austintexas.gov

ORDINANCE NO. _____

C1/2

**AN ORDINANCE AMENDING SECTION 25-2-921 OF THE CITY CODE
RELATING TO TEMPORARY USES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-921 (*Temporary Uses Described*) is amended to reflect the following:

(A) The following may be permitted by the building official as temporary uses under this division:

(1) model homes or apartments and related real estate services, if the use is located within the residential development to which the use pertains;

(2) a circus, carnival, rodeo, fair, or similar activity, if the use is located at least 200 feet from a dwelling and located in a CS or less restrictive zoning district;

(3) an outdoor art or craft show or exhibit, if the use is located in an LR or less restrictive zoning district;

(4) Christmas tree sales;

(5) an on-site construction field office, if the use is located in a portable structure and conducted for not more than 6 months;

(6) seasonal retail sale of agricultural or horticultural products, if the use is located at least 200 feet from a dwelling and located in an LR or less restrictive zoning district;

(7) seasonal day care, if the use is conducted for not more than eight hours a day and not more than 30 days a year; and

(8) temporary day care, if the use is conducted for not more than eight hours a day and not more than 12 hours a week.

(B) A sales office for a new subdivision may be permitted as a temporary use under this division if the sales office is located within the subdivision and at least 200 feet from existing dwellings outside the subdivision.

(1) A sales office for a new subdivision may not be operated after:

1 (a) the expiration of four years from the date the first construction permit issued
2 in the subdivision; or

3 (b) the date by which 95 percent of the lots are sold.

4 (2) The board of adjustment may grant an extension of the deadlines described in
5 this subsection.

6 (C) An outdoor public, religious, patriotic, or historic assembly or exhibit, including a
7 festival, benefit, fund raising event, or similar use that typically attracts a mass audience may
8 be permitted as a temporary use under this division if:

9 (1) for a gathering of not more than 50 persons, the use is located in an SF-4 or less
10 restrictive zoning district, or the use is located on a property whose principal developed use
11 is religious assembly, private primary educational facilities, private secondary educational
12 facilities, public primary educational facilities, public secondary educational facilities, or
13 public community recreation;

14 (2) for a gathering of more than 50 persons, the use is located in an LO or less
15 restrictive zoning district, or the use is located on a property whose principal developed use
16 is religious assembly, private primary educational facilities, private secondary educational
17 facilities, public primary educational facilities, public secondary educational facilities, or
18 public community recreation;

19 (3) for an exhibit, the use is located in a GR or less restrictive zoning district.

20 (D) A single dwelling located in a mobile structure on a construction site may be
21 permitted as a temporary use under this division if the building official determines that the
22 dwelling is required to provide security against nighttime theft or vandalism. The building
23 official may allow the use for a period of up to 6 months and, if requested by the applicant,
24 may extend that period for an additional 6 months. An applicant may appeal to the board of
25 adjustment a denial of the use by the building official.

26 (E) An outdoor special sale, including a swap meet, flea market, parking lot sale, or
27 similar activity may be permitted as a temporary use under this division if the use is located
28 in a commercial or industrial zoning district. An outdoor special sale may be conducted on
29 not more than three days in the same week and not more than five days in the same month.

30 (F) Within the Central Business District (CBD) or Downtown Mixed Use (DMU)
31 zoning districts, retail services may be permitted as a temporary use in accordance with the
32 requirements of this subsection.

33 (1) The retail use must:

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1 (a) be located within an enclosed fire area, as defined by the Building Code, that
2 does not require structural changes to accommodate the use; and

3 (b) have an approved certificate of occupancy or temporary certificate of
4 occupancy.

5 (2) The retail use may not exceed 12,000 square feet in area unless an approved
6 sprinkler system has been installed in accordance with the Fire Code;

7 (3) The following uses and activities may not be permitted as a temporary retail use
8 under this subsection:

9 (a) personal services;

10 (b) food preparation or the sale or consumption of alcoholic beverages;

11 (c) a portable toilet serving the retail use, whether located inside or outside of the
12 use; or

13 (d) storage of hazardous materials as defined by the Fire Code.

14 (4) A permit for a temporary retail use under this subsection may be issued for up to
15 45 days and renewed once, for a total operating period not to exceed 90 days.

16 (G) The building official may permit other temporary uses that are similar to those
17 described in this section.

18 *Source: Section 13-2-321; Ord. 990225-70; Ord. 031211-11; Ord. 20111103-075.*

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21 **PART 3.** This ordinance takes effect on _____, 2012.
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PASSED AND APPROVED

C1/5

_____, 2012

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Lee Leffingwell
Mayor

APPROVED: _____

Karen M. Kennard
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

draft



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department 1000 East 11th Street Austin Texas 78702

DATE: January 9, 2013

TO: Greg Dutton,
Planning Development Review Department

FROM: Javier V. Delgado, Project Coordinator, AHFC

RE: AIS Determination for AN ORDINANCE AMENDING SECTION 25-2-921 OF
THE CITY CODE RELATING TO TEMPORARY USES.

Mr. Dutton:

Upon review of the proposed ordinance regarding Public Assembly as a temporary uses, Neighborhood Housing & Community Development has determined NO IMPACT on affordable housing of affordable housing production. An Affordable Impact Statement review is not required. Please contact me if you have any questions.

Regards,

Javier V. Delgado
Project Coordinator

City of Austin- Neighborhood Housing & Community Development

EDUCATIONAL IMPACT STATEMENT

CITY OF AUSTIN CODE AMENDMENT

Austin Independent
School District



Prepared for the City of Austin



CODE AMENDMENT NAME: Public Assembly

CASE #: C20-2012-016

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☐ POTENTIAL IMPACT ON SCHOOL(S)

☒ NO IMPACT ON SCHOOL(S)

CODE AMENDMENT SUMMARY

Amend Section 25-2-921 (C) (1) and (2) (*Temporary Uses Described*) of the Austin City Code. This amendment would allow for gatherings in certain zoning districts if the temporary use is located on a property whose principal developed use is religious assembly, private primary educational facilities, private secondary educational facilities, public primary educational facilities, or public secondary educational facilities.

IMPACT ON SCHOOLS

The proposed code amendment change will not have an impact on AISD schools.

Date Prepared: 01/09/2013

Director's Signature: Paul Turner



Diocese of Austin

Chancellor

Pastoral Center
6225 East Highway 290 · Austin, TX 78723-1025
(512) 949-2400 · Fax (512) 949-2524
www.austindiocese.org

C7/8

January 9, 2013

Mr. Jerry Rusthoven
City of Austin
Planning and Review
505 Barton Springs Rd.
Austin, TX 78704

Re: Proposed Amendments to Temporary Outdoor Use Permit

Dear Mr. Rusthoven:

Thank you addressing my questions. I wish to express the Catholic Diocese's support for the current proposal to amend the City's ordinance with respect to outdoor temporary uses.

Because churches are permissible uses in all zoning classifications and because many churches annually host a bazaar, jamaica, or festival on their property, the proposed amendment will allow those churches with property in more restrictive zoning classifications to continue in their long-standing traditions without violating the city ordinance. The bazaars, jamaicas, or festivals are typically neighborhood events that promote the community and the church within the community.

I pray that God continue to bless you and those who work within the City's offices and as public officials. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "R Walker".

Deacon Ron Walker
Chancellor

cc: Most Reverend Joe S. Vásquez
Rev. Msgr. Michael J. Sis